

<p style="text-align: center;"><b>DEPARTMENT FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES</b></p> <p style="text-align: center;"><b>STANDARDS OF OPERATIONS</b></p>	<p>Policy Number</p> <p style="text-align: center;">DMHMRS 02-04</p>	<p>Total Pages</p> <p style="text-align: center;">2</p>
	<p>Date Issued</p> <p>April 14, 2003</p>	<p>Effective Date</p> <p>April 14, 2003</p>
<p>References</p> <p>CHS 19038 § 164.514</p>	<p>Subject</p> <p>Marketing and Fundraising</p>	

### **Statement of Policy and Purpose**

It shall not generally be the policy, procedure or practice of the Department for Mental Health and Mental Retardation Services (DMHMRS) to use or disclose Protected Health Information (PHI) for the purpose of marketing and fundraising. Any marketing or fundraising event shall be designed for the benefit of individuals served, to benefit services or educate and shall require prior approval from the Commissioner of DMHMRS.

### **Procedures**

#### **A. Marketing**

1. Prior authorization, by an individual, shall generally be required to use or disclose PHI for purposes of marketing. Use or disclosure of PHI to make a marketing communication shall not require authorization when:
  - a. The communication occurs in a face-to-face encounter with the individual.
  - b. The communication concerns products or services of nominal value.
  - c. The communication concerns the health related products and services of DMHMRS and is clearly identified.
  - d. The communication is contained in a newsletter or similar general communication device distributed by DMHMRS to a broad cross-section of clients or individuals and contains instructions describing how the individual may opt out of receiving future such communications.
  - e. The use or disclosure of PHI is to target the communication to individuals is based on health status or condition and DMHMRS shall:
    1. Make prior determination that the product or service may be beneficial to the health of the individual.

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2. Explain in the communication why the individual has been targeted and how the product or services relates to health of the individual.
3. Make reasonable efforts to ensure individuals are not sent communications who decide to opt out of receiving future marketing communications.

B. Fundraising

1. DMHMRS may use or disclose to a business associate or an institutionally related foundation specific PHI for fundraising without authorization. The PHI allowable for fundraising is:
  - a. Demographic information relating to an individual.
  - b. Dates of health care provided to an individual.
2. DMHMRS may not use or disclose PHI for fundraising without:
  - a. Including a statement regarding fundraising in the notice of privacy practices.
  - b. Including in the fundraising materials it sends to individuals a description of how the individual may opt out of receiving further fundraising communications.
  - c. Making reasonable efforts to ensure that individuals are not sent communications who decide to opt out of receiving future fundraising communications.

C. This policy shall be reviewed and revised as necessary.